



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JERYLAN MARQUEZ-ORTIZ,

Plaintiff,

- against -

UNITED STATES OF AMERICA,

Defendant.

X

20-CV-5793 (JPO) (RWL)

## ORDER

     X

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

As discussed during the case management conference held on May 6, 2022:

1. Defense counsel will provide an address for Plaintiff that Plaintiff will use for sending discovery material to the defense.
2. By May 16, 2022, Plaintiff shall send to defense counsel at the address provided a list of all medical providers that Plaintiff sees or has seen in connection with the injuries at issue in the case, as well as all medical providers that Plaintiff has seen since 2014 for any issues related to his back or shoulders. The list shall include the name, address, and any other contact information that Plaintiff has for the medical provider.
3. The case schedule filed today by Defendant at Dkt. 62 is under review. If it is not acceptable, the Court will so advise Defendant and inform it of the deadline to provide another proposed revised case schedule in a separate order.
4. As part of Defendants' discovery obligations, defense counsel will make a good faith inquiry and reasonable search for any video recording of the incident at issue in the case.

2. By May 16, 2022, Plaintiff shall send to defense counsel at the address provided a list of all medical providers that Plaintiff sees or has seen in connection with the injuries at issue in the case, as well as all medical providers that Plaintiff has seen since 2014 for any issues related to his back or shoulders. The list shall include the name, address, and any other contact information that Plaintiff has for the medical provider.

3. The case schedule filed today by Defendant at Dkt. 62 is under review. If it is not acceptable, the Court will so advise Defendant and inform it of the deadline to provide another proposed revised case schedule in a separate order.

4. As part of Defendants' discovery obligations, defense counsel will make a good faith inquiry and reasonable search for any video recording of the incident at issue in the case.

5. Enclosed with this order is information about a legal services clinic that Plaintiff may contact for potential legal assistance.

6. Plaintiff is reminded that he can seek guidance on forms and filing procedures by contacting the Pro Se department of the Court at 212-805-0175.

7. The Court will issue a separate order requesting appointment of pro bono legal counsel for Plaintiff. As explained to Plaintiff during the conference, the Court cannot provide any assurance that pro bono legal counsel will be appointed, as appointment depends purely on voluntary participation by attorneys and services not controlled by the Court.

8. As the Court reiterated to Plaintiff during the conference, the case will proceed regardless of whether Plaintiff obtains the services of pro bono counsel. In other words, Plaintiff has the responsibility to move his case forward and fulfill his obligations both now and at all future times. Failure to comply with deadlines, discovery obligations, or orders of the Court may result in dismissal of the case for failure to prosecute or as sanctions. In the future, if Plaintiff needs extensions of time or believes a temporary stay of the case is warranted due to medical reasons (such as if Plaintiff undergoes surgery for his back), he shall file a request with the Court explaining the reasons for the request.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: May 6, 2022  
New York, New York

Copies transmitted this date to all counsel of record. The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff.

# **Notice For** **Pro Se Litigants**

As a public health precaution, the New York Legal Assistance Group's Legal Clinic for Pro Se Litigants has temporarily suspended all in-person client meetings as of Tuesday, March 17, 2020.

Limited scope legal assistance will continue to be provided, but only by appointment and only over the phone. During this time, we cannot assist walk-in visitors to the clinic.

If you need the assistance of the clinic, please call 212-659-6190 and leave a message, including your telephone number, and someone will get back to you as soon as possible. If you do not leave a message with your telephone number, we cannot call you back.

Please be patient because our responses to your messages may be delayed while we transition to phone appointments.

